

Judge Theiler

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08-MJ-00404-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

DANIEL ROBERTO LOPEZ-LOPEZ,

Defendant.

CASE NO. MJ08-404

COMPLAINT for Violation
21 U.S.C. §§ 841(a)(1), 841(b)(1)(b),
and 846

BEFORE, Mary Alice Theiler, United States Magistrate Judge, Seattle,
Washington.

The undersigned complainant, Task Force Officer Dewey Burns, Drug
Enforcement Administration (DEA), being duly sworn, states:

Count 1

(Possession of Methamphetamine with Intent to Distribute)

On or about September 10, 2008, in King County, within the Western District of
Washington, and elsewhere, DANIEL ROBERTO LOPEZ-LOPEZ, did knowingly and
intentionally possess, with intent to distribute, methamphetamine (actual), a substance
controlled under Schedule II, Title 21, United States Code, Section 812.

The government further alleges that this offense involved five grams or more of
methamphetamine (actual).

1 All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(b).

2 And the complainant further states:

3 **My Background**

4 1. I am a detective with the King County Sheriff's Office, assigned as a Task
5 Force Officer (TFO) with the Drug Enforcement Administration, Seattle Field Division. I
6 have been with King County since January of 2000. I am assisting the two lead
7 investigators in the investigation of two related drug trafficking organizations operating in
8 Western Washington. The investigation, which started in 2007, is being conducted by
9 DEA and the Seattle Police Department.

10 **My Sources of Information**

11 2. I have obtained the facts set forth in this affidavit through my personal
12 participation in the investigation described below, from my review of intercepted and
13 translated calls, from oral and written reports of other law enforcement officers, from
14 records, documents and other evidence obtained during this investigation, and from
15 speaking to other officers. I have not included every fact known to law enforcement
16 concerning this investigation. I have set forth only the facts that I believe are essential to
17 establish probable cause to charge DANIEL LOPEZ-LOPEZ. Seattle Police officers
18 arrested DANIEL LOPEZ-LOPEZ yesterday, and provided the details to me today.

19 **Current Investigation**

20 3. Our investigation focused on two drug trafficking organizations. One was
21 led by Bertario SANTOS-ROJAS, and the other by two men we believe to be brothers,
22 Ignacio PENA-GARCIA and José BARRAZA-VIDAL. The two men are also believed
23 to be cousins of Bertario SANTOS-ROJAS. As part of the investigation, we received
24 court authorization to intercept the telephones used by SANTOS-ROJAS, PENA-
25 GARCIA, and others. At various times during July, August and September, five
26 telephones were intercepted. Through the interceptions, we learned that both
27 organizations were distributing large amounts of cocaine and methamphetamine in
28 Western Washington. We identified the leaders and associates in both organizations. We

1 recently learned from the intercepted calls that a large load of drugs was being delivered
2 to Western Washington on September 10, 2008. In order to prevent these drugs from
3 being distributed, we quickly mobilized officers and agents from DEA, Seattle Police,
4 King County Sheriff, and other agencies in an effort to intercept the drugs and arrest
5 members of both organizations. We obtained search warrants for three residences, and
6 received consent to search several other locations.

7 4. On September 10, 2008, we arrested 16 suspects, seized approximately
8 twenty kilograms of cocaine, six pounds of methamphetamine and over \$350,000 in cash.
9 Many of the people arrested will have their cases presented to the grand jury today.
10 DANIEL LOPEZ-LOPEZ is being charged separately by this Complaint. He had
11 previously been identified as a member of PENA-GARCIA's organization.

12 5. DANIEL LOPEZ-LOPEZ was arrested possessing nearly one-half a pound
13 of methamphetamine, as describe below. That quantity of methamphetamine is too large
14 and expensive to store for personal use.

15 **Arrest of DANIEL LOPEZ-LOPEZ**

16 6. On September 10, 2008, approximately 1:37 p.m., DEA agents Eric Wattree
17 and Jeff Hayes established surveillance on the "stash" apartment known to be utilized by
18 the Jose BARRAZA-VIDAL organization, located at 17100 120th Terrace SE., Apt.
19 #Z-202, Renton, Washington. It was identified as a place where drugs were stored during
20 surveillance over several weeks. They were also aware from recent intercepted calls that
21 drugs were being delivered there on September 10, 2008. They were intending to serve a
22 search warrant, which was being prepared, and were going to arrest participants in the
23 drug organization. They had also identified a silver 2000 Volkswagen Cabriolet,
24 WA#567XPF, as a car used by drug couriers working for PENA-GARCIA and
25 BARRAZA-VIDAL.

26 7. At approximately 1:37 p.m., SA Wattree observed an Hispanic male, later
27 identified as Cristian RUELAS-ORTIZ, exit 17100 120th Terrace SE., Apt. #Z-202, in
28 Renton, and walk directly to the silver Volkswagen Cabriolet, WA#567XPF. Agents

1 Wattree and Hayes observed Cristian RUELAS-ORTIZ get into the driver's seat of the
2 VW Cabriolet. SAs Wattree and Hayes contacted RUELAS-ORTIZ, before he could
3 drive away. SAs Wattree and Hayes observed that Cristian RUELAS-ORTIZ had a
4 black handbag that was lying next to his lap. SAs Wattree and Hayes retrieved
5 RUELAS-ORTIZ's wallet in an attempt to identify him, and in so doing, located a baggie
6 containing approximately 1-2 grams of cocaine inside the wallet. This cocaine field
7 tested positive for cocaine.

8 8. During a search incident to arrest, Agents Wattree and Hayes recovered
9 approximately \$2,200 cash from RUELAS-ORTIZ's front left pants' pocket. SAs
10 Wattree and Hayes then searched the black handbag that was lying next to
11 RUELAS-ORTIZ's lap, and recovered approximately twelve individually wrapped
12 baggies, each containing approximately ¼ ounce of crystal methamphetamine, and one
13 baggie containing approximately ½ ounce of crystal methamphetamine. In total, this
14 black handbag contained approximately 3 ½ ounces (approximately 90 grams) of crystal
15 methamphetamine, which field-tested positive for methamphetamine. Agents Wattree
16 and Hayes then searched the rest of the VW Cabriolet, recovering approximately seven
17 individually wrapped baggies, each containing approximately ½ ounce of crystal
18 methamphetamine, from a false compartment located in the air bag area of the vehicle.
19 This crystal methamphetamine also field tested positive for methamphetamine.

20 9. Agents Wattree and Hayes also recovered two different cell phones from
21 Cristian RUELAS-ORTIZ. One of the cell phones had the cell phone number
22 206-370-1191, known to be a cell phone utilized by a drug-runner for the Jose
23 BARRAZA-VIDAL, therefore, confirming investigators' beliefs that Cristian
24 RUELAS-ORTIZ was the drug-runner for Jose BARRAZA-VIDAL, utilizing the cell
25 phone 206-370-1191

26 10. At approximately 2:36 p.m., Jose BARRAZA-VIDAL made an outgoing
27 call to Diane D. (full name known but redacted), a drug customer of the organization
28 identified during the investigation. She had just ordered drugs from BARRAZA-VIDAL.

1 BARRAZA-VIDAL told Diane that he was going to send the "new guy" (a new
2 drug-runner), who would be there in 20 minutes. Diane asked BARRAZA-VIDAL what
3 happened to the "other guy" (drug-runner), and BARRAZA-VIDAL said that the "other
4 guy" wasn't answering (his phone). (This a reference to RUELAS-ORTIZ, who had just
5 been arrested).

6 11. Diane said that she hoped he was okay, and then asked what the "new guy"
7 was driving. BARRAZA-VIDAL told her that the "new guy" was driving a silver Nissan.
8 DANIEL LOPEZ-LOPEZ had been observed driving a silver Nissan Maxima,
9 WA#675XBG, during surveillance of the group. He was later arrested in it.

10 12. At approximately 3:01 p.m., Jose BARRAZA-VIDAL spoke with Diane,
11 telling her that the guy (drug-runner) was there, and asked her how many she wanted.
12 Diane told BARRAZA-VIDAL that she wanted "one." Shortly thereafter, at
13 approximately 4:00 p.m., Agents John Satchel, Greg Shadko, Errin Jewel, Jeff Hayes,
14 Todd Morrow, and Rob Brooks, observed a Hispanic male, later identified as Daniel
15 Roberto LOPEZ-LOPEZ, arrive at and enter 17100 120th Terrace SE., Apt. #Z-202, in
16 Renton, after walking from the area of the parking lot a couple of buildings away.
17 At approximately 4:30 p.m., Agents Satchel and Shadko observed LOPEZ-LOPEZ exit
18 Apt. #Z-202, and walk directly back to the silver Nissan Maxima, WA#675XBG, which
19 was parked a couple of buildings away, get in, and begin to drive away. Agents Brooks
20 and Jewell stopped LOPEZ-LOPEZ driving this silver Nissan, and detained him, pending
21 the obtainment of the federal search warrant on this "stash" apartment.

22 13. Agent Jewell recovered from LOPEZ-LOPEZ a cell phone with the phone
23 number 206-330-3266, a cell phone known to be used by a drug-runner for the Jose
24 BARRAZA-VIDAL DTO. Agent Jewell also noted that this cell phone had a direct
25 connect feature, which the group used. SA Jewell also recovered three bundles of cash
26 from LOPEZ-LOPEZ's pants' pockets, each bundle containing a note. The bundles
27 consisted of amounts of \$1,400, \$130, and \$250, and the notes on each bundle was "1 p",
28 "pillas", and "besina". The total amount of cash was \$1,780.

1 14. SA Jewell read Miranda warnings in Spanish to LOPEZ-LOPEZ, who
2 stated he understood these rights. LOPEZ-LOPEZ told Agent Jewell that the pants he
3 was wearing were not his, and that he came from Apt. #206. Meanwhile, Agents
4 Morrow and Hayes searched the silver Nissan Maxima, recovering approximately two
5 ounces of crystal methamphetamine from the driver's headrest, which contained a slit
6 inside which the drugs were hidden. They also recovered approximately 5-6 ounces of
7 crystal methamphetamine from a small toolbox, which was found inside a compartment,
8 located in the rear, passenger side quarter panel of the vehicle, accessible through the
9 trunk. Both sets of recovered crystal methamphetamine field tested positive for
10 methamphetamine by SA Hayes. In my experience, this quantity of crystal
11 methamphetamine would include far more than five grams of actual methamphetamine.

12 15. Based on the timing of the arrest of Cristian RUELAS-ORTIZ, and
13 therefore his inability to answer his cell phone to deliver drugs to Diane, and José
14 BARRAZA-VIDAL telling Diane that he was going to send "the new guy" who would be
15 driving the silver Nissan, investigators believe that Daniel Roberto LOPEZ-LOPEZ

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1 delivered drugs to Diane, under the direction of BARRAZA-VIDAL, and was arrested
2 afterwards.

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5 DEWEY BURNS, Complainant
6 Task Force Officer, Drug Enforcement Administration

7 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
8 presence, the Court hereby finds that there is probable cause to believe the defendant
9 committed the offenses set forth in the Complaint.

10 DATED this 11th day of September, 2008.

11 
12 MARY ALICE THEILER
13 United States Magistrate Judge
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